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Dated: April 7, 2004

Signature: *Tram Anh T. Nguyen*

(Tram Anh T. Nguyen)

Docket No.: 101997-0019  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inter Patent Application of: Andrew K. Benson

Application No.: 10/722,105

Filed: November 25, 2003

For: METHOD AND SYSTEM FOR TESTING  
AND CHARACTERIZING FOOD  
PRODUCTS

Confirmation No.: 4844

Art Unit: 1761

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby cites for the record in this application the documents listed on the attached copies of PTO Form 1449 and PTO Form 892. In accordance with 37 CFR §1.98(d), copies of the references are not submitted herewith insofar as they are all believed to be in the Examiner's file already. The references were previously cited in United States Patent Application No. 09/639,690 filed on August 16, 2000 and relied upon in this application for an earlier filing date under 35 U.S.C. 120.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

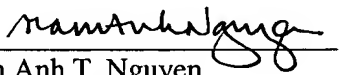
It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publications are prior art. Moreover, the Applicant understands the Examiner will make an independent evaluation of the cited publications.

Dated: April 7, 2004

Respectfully submitted,

By   
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Attorneys/Agents for Applicant


Form PTO-1449  
(Rev. 8-83)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO:  
**101997-5**

APPLICATION NO:  
**09/639,690**
**INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

APPLICANT(S):  
**Andrew K. Benson**

FILING DATE:  
**August 16, 2000**

GROUP ART UNIT:  
**1623**
**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE*

**FOREIGN PATENT DOCUMENTS**

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
					YES NO

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)**

CA	S.L. Moseley et al., "Detection of Enterotoxigenic <i>Escherichia coli</i> by DNA Colony Hybridization" ( <i>The Journal of Infectious Diseases</i> ), Vol. 142, No. 6, p.892-898, (December 1980)
CB	M.N. Widjojoatmodjo et al. "Evaluation of the Magentic Immuno PCR Assay for Rapid Detection of <i>Salmonella</i> " ( <i>Eur. J. Clin. Microbiol. Infect. Dis.</i> ) p.935-938 (November 1991)
CC	Randall K. Saiki et al., "Primer-Directed Enzymatic Amplification of DNA with a Thermostable DNA Polymerase" ( <i>Science</i> ) Vol. 239, p. 487-491 (January 1988)
CD	Zhen Guo et al., "Deirec fluorescence analysis of genetic polymorphisms by hybridization with oligonucleotide arrays on glass supports" ( <i>Nucleic Acids Research</i> ) Vol. 22, No. 24 p.5456-5465 (1994)
CE	A.R. Bennett et al. "The isolation and detection of <i>Escherichia coli</i> ) O157 by use of immunomagnetic separation and immunoassay procedures" ( <i>Letters in Applied Microbiology</i> ) 22 p. 237-243 (1996)
CF	W. King et al. "A new colorimetric nucleic acid hybridization assay for <i>Listeria</i> in foods" ( <i>International Journal of Food Microbiology</i> ) 8 p. 225-232 (1989)
CG	Mark Chee et al., "Accessing Genetic Information with High-Density DNA Arrays" ( <i>Science</i> ) Vol. 274 p. 610-614 (October 1996)
CH	Mary T. Bessesen et al. "Detection of <i>Listeria monocytogenes</i> by using the Polymerase Chain Reaction" ( <i>Applied and Environmental Microbiology</i> ) p. 2930-2932 (September 1990)
CI	Catherine W. Donnelly et al., "Method for Flow Cytometric Detection of <i>Listeria monocytogenes</i> in Milk" ( <i>Applied and Environmental Microbiology</i> ) p.689-695 (October 1986)
CJ	Dmitry Y. Guschin et al., "Oligonucleotide Microchips as Genosensors for Determinative and Environmental Studies in Microbiology" ( <i>Applied and Environmental Microbiology</i> ) p. 2397-2402 (June 1997)
CK	Katsunori Kimura et al., "Analysis of Fecal Populations of Bifidobacteria and Lactobacilli and Investigation of the Immunological Responses of Their Human Hosts to the Predominant Strains" ( <i>Applied and Environmental Microbiology</i> ) p. 3394-3398 (September 1997)

	CL	R.D. Oberst et al., "PCR-Based DNA Amplification and Presumptive Detection of <i>Escherichia coli</i> O157:H7 with an Internal Fluorogenic Probe and the 5' Nuclease (TaqMan) Assay" ( <i>Applied and Environmental Microbiology</i> ) P. 3389-3396 (September 1998)
	CM	Frank Schwieger et al. "A new approach to Utilize PCR-Single-Strand-Conformation Polymorphism for 16S rRNA Gene-Based Microbial Community Analysis" ( <i>Applied and Environmental Microbiology</i> ) p. 4870-4876 (December 1998)
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Examiner		Date Considered:
		*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and considered. Include copy of this form with next communication to applicant.

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Form PTO-1449  
(Rev. 8-83)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

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101997-5

APPLICATION NO:

09/639,690

## INFORMATION DISCLOSURE CITATION

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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE*
A	6 0 8 3 7 6 3	07/04/02	Balch	436	518	

## FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
					YES NO

## OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

B	Carl A. Batt, "Symposium: Molecular Probes - theory and application: Molecular diagnostics for dairy-borne pathogens. J. Dairy Sci. 1997, Vol. 80, pages 220-229, see whole document
Examiner	Date Considered:
	*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and considered. Include copy of this form with next communication to applicant.



PTO/SB/08a/b (05-03)

Approved for use through 05/31/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	09/639,690
				Filing Date	August 16, 2000
				First Named Inventor	Andrew K. Benson
				Art Unit	1636
				Examiner Name	K. Katcheves
Sheet	1	of	1	Attorney Docket Number	101997-0005

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		6,001,564	12-14-1999	Bergeron et al.	
		5,922,591	07-13-1999	Anderson et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> ( <i>if known</i> )	MM-DD-YYYY			
		PCT WO 98/28444	July 2, 1998	The University of Chicago		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

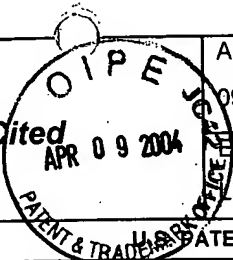
NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		BRUCKNER, Cynthia J. et al. "Strategies for Automated Sample Preparation, Nucleic Acid Purification, and Concentration of Low Target Number Nucleic Acids in Environmental and Food Processing Samples" Part of the SPIE Conference on Pathogen Detection and Remediation for Safe Eating, Boston, Massachusetts 1998 p. 63-71, SPIE Vol. 3544	
		de BOER, Enne et al. "Method for detection and typing of foodborne microorganisms," International Journal of Food Microbiology" 50 (1-2):119-130 (1999)	
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		SCHENA, Mark et al. "Microarrays: biotechnology's discovery platform for functional genomics", TIBTECH, 16(7): 301-306 (1998)	
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		van der Vossen, Jos M.B.M. "DNA based typing, identification and detection systems for food spoilage microorganisms: development and implementation," International Journal of Food Microbiology, 33: 35-49 (1996)	
		Winzeler, Elizabeth A. et al. "Fluorescence-Based Expression Monitoring Using Microarrays," Methods in Enzymology, 306: 3-18 (1999)	

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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# Notice of References Cited



Application/Control No.

09/639,690

Examiner

Lisa Gansheroff

Applicant(s)/Patent Under  
Reexamination  
BENSON, ANDREW K.

Art Unit

1636

Page 1 of 1

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
	A	US-5874046-	02-1999	Megerle	--	--
	B	US-6083763-	07-2000	Balch	--	--
	C	US- -				
	D	US- -				
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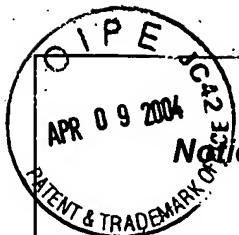
## FOREIGN PATENT DOCUMENTS

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	Q	- -					
	R	- -					
	S	- -					
	T	- -					

## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



# **Notice of References Cited**

Application/Control No.

09/639,690

Applicant(s)/Patent Under

Reexamination

BENSON, ANDREW K.

Examiner

Lisa J. Gansheroff

Art Unit

1636

Page 1 of 1

## **U.S. PATENT DOCUMENTS**

*		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	DOCUMENT SOURCE **	
							APS	OTHER
<input type="checkbox"/>	A	6057100	May. 2000	Heyneker	435	6	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	B	5922591	Jul. 1999	Anderson et al.	435	287.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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## **NON-PATENT DOCUMENTS**

*		DOCUMENT (Including Author, Title Date, Source, and Pertinent Pages)	DOCUMENT SOURCE **	
			APS	OTHER
<input type="checkbox"/>	U	BRUCKNER-LEA et al. Strategies for automated sample preparation, nucleic acid purification, and concentration of low target number nucleic acids in environmental and food processing samples. Proc. SPIE-Int. Soc. Opt. Eng. 1999, Vol. 3544, pages 63-71.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	V	TAUXE. Emerging foodborne diseases: an evolving public health challenge. Emergins Infectious Diseases. 1997, Vol. 3, pages 425-434.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	X		<input type="checkbox"/>	<input type="checkbox"/>

\*A copy of this reference is not being furnished with this Office action. (See Manual of Patent Examining Procedure, Section 707.05(a).)

\*\*APS encompasses any electronic search i.e. text, image, and Commercial Databases.

U.S. Patent and Trademark Office

PTO-892 (Rev. 03-98)

Notice of References Cited

Part of Paper No. 4